



Entered on Docket
March 07, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,
USA Capital Realty Advisors, LLC,
USA Capital Diversified Trust Deed Fund, LLC,
USA Capital First Trust Deed Fund, LLC,¹
USA Securities, LLC,²
Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR¹
Case No. BK-S-06-10729-LBR²

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FIFTEENTH
OMNIBUS OBJECTION OF THE
USACM LIQUIDATING TRUST TO
CLAIMS FOR LACK OF
DOCUMENTATION EXCEPT AS
TO PROOF OF CLAIM NO. 10725-
02400 FILED BY KAMI AND
WILLIE BANOS**

Hearing Date: February 21, 2008
Time: 9:30 a.m.

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on December 26, 2007.

1 The USACM Liquidating Trust (the "USACM Trust") filed its Fifteenth Omnibus
2 Objection to Claims for Lack of Documentation [DE 5582] (the "Objection") on January
3 7, 2008. Appropriate notice of the Objection was given. Response to the Objection was
4 raised as follows:

5 • On January 10, 2008, Kami and Willie Banos. ("Claimants") provided
6 documentation to support Proof of Claim No. 10725-02400. Accordingly, the USACM
7 Trust withdrew the Objection as to that claim on February 19, 2008 [DE 5882].
8 Claimant's claim is not included in Exhibit A attached and is not affected by this Order.

9 No other responses were received by USACM Trust counsel or filed with this
10 Court. The Objection came before the Court for hearing on February 21, 2008 at 9:30 a.m.
11 Good cause appearing, it is

12 **ORDERED:**

- 13 • Sustaining the USACM Trust's Fifteenth Omnibus Objection to Claims for
14 Lack of Documentation; and
15 • Disallowing the Proofs of Claim listed on the attached Exhibit A without
16 prejudice to any rights the claimants listed in Exhibit A may have as Direct Lenders in a
17 particular loan.

18 ###

19 **PREPARED AND SUBMITTED:**

20 **LEWIS AND ROCA LLP**

21 By: /s/ RC (#0006593)

22 Susan M. Freeman

22 Rob Charles

23 John Hinderaker

23 *Attorneys for USACM Liquidating Trust*

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☒ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)

Susan M. Freeman

Rob Charles

John Hinderaker

Attorneys for USACM Liquidating Trust

USACM Liquidating Trust
**ORDER SUSTAINING FIFTEENTH OMNIBUS
OBJECTION OF THE USACM LIQUIDATING
TRUST TO PROOFS OF CLAIM FOR LACK OF
DOCUMENTATION**
BK-S-06-10725-LBR

<u>Creditor Name</u>	<u>Claim No.</u>	<u>Date Filed.</u>	<u>Amount</u>
Charles B. Dunn IV Trust DTD 8/12/05 17042 Norlene Way Grass Valley, California 95949-7161	10725-02112	1/11/07	Amount Not Stated
Allison, Karen R. 2656 Seashore Drive Las Vegas, Nevada 89128	10725-02171	1/12/07	\$91,393.00
Goodwin, Michael John 555 Yellow Pine Road Reno, Nevada 89511-3714	10725-02340	1/16/07	Amount Not Stated
Goodwin, Michael John 555 Yellow Pine Road Reno, Nevada 89511-3714	10725-02341	1/16/07	Amount Not Stated
Banos, William 7431 Dorie Drive West Hills, California 91307	10725-02392	1/16/07	\$400,000.00
Banos, Mirtha 7431 Dorie Drive West Hills, California 91307	10725-02399	1/16/07	\$250,000.00
Goodwin, Michael John 555 Yellow Pine Road Reno, Nevada 89511-3714	10725-02419	1/16/07	Amount Not Stated
Capone, Peter W. & Deidre D. P.O. Box 1470 Gardernville, Nevada 89410-1470	10725-02422	1/29/07	Amount Not Stated
Dean Family Trust DTD 12/26/84 c/o Richmond Dean II & Jean Dean, Trustees 8730 Petite Creek Drive Orangeville, California 95662-2148	10725-02499	6/4/07	Amount Not Stated

EXHIBIT A